

MJR 13. CIVIL TRIALS BEFORE MAGISTRATE JUDGES BY CONSENT OF PARTIES, 28 U.S.C. § 636(c)

(a) General Authority. Upon the consent of the parties, and upon the entry of an order of reference by a district judge, a full-time magistrate judge may conduct any or all proceedings in any civil case which is filed in this court, including the conduct of a jury or nonjury trial, and may order the entry of final judgment, in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings upon consent of the parties, a magistrate judge may hear and determine any and all pretrial and posttrial motions which are filed by the parties, including case-dispositive motions.

(b) Notice to Parties. These rules shall constitute general notice to all parties in civil cases in this court of the procedures governing references to magistrate judges for trial by consent of the parties. [28 U.S.C. § 636(c)(2)]. In each civil case, unless the district judge otherwise directs, the clerk shall so notify all parties in writing, and shall furnish consent forms to counsel for all parties.

(c) Execution of Consent. A case shall be considered by a district judge for reference to a magistrate judge only if a consent form, executed without limitation or qualification on behalf of every party, has been received by the clerk. The plaintiff shall be responsible for securing the execution of consent forms by the parties and for filing such forms with the clerk of court. No consent will be made available, nor will its contents be made known to any district judge or magistrate judge, unless all parties have consented to the reference to a magistrate judge.

(d) Reference. After the consent forms have been executed and filed on behalf of all parties, the clerk shall transmit them to the judge to whom the case has been assigned to consider the case for reference to a magistrate judge. The magistrate judge to whom a specific case is to be assigned shall be determined in accordance with directions from the chief judge. Once the case has been assigned to a magistrate judge, he or she shall have the authority to conduct any and all proceedings and to direct the clerk of court to enter a final judgment in the same manner as if a judge had presided. An order of reference can be vacated upon a proper showing, pursuant to 28 U.S.C. § 636(c)(6).

(e) Appeal. Upon entry of judgment at the direction of a magistrate judge pursuant to this rule, any appeal shall be taken directly to the United States Court of Appeals for the Ninth Circuit, in the same manner as an appeal from any other judgment of this court.

[Effective May 1, 1992; amended effective July 1, 1997.]